

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: SITAGLIPTIN PATENT LITIGATION	MDL No. 19-2902-RGA
MERCK SHARP & DOHME CORP.,  <i>Plaintiff,</i>  v.  WOCKHARDT BIO AG, and WOCKHARDT USA LLC,  <i>Defendants.</i>	C.A. No. 19-321-RGA

**CONSENT JUDGMENT**

Merck Sharp & Dohme Corp. (hereinafter “Merck”), and Wockhardt Bio AG and Wockhardt USA LLC (hereinafter collectively “Wockhardt”), the parties in the above-captioned action, have agreed to terms and conditions representing a negotiated settlement of the action and have set forth those terms and conditions in two Settlement Agreements (the “Settlement Agreements”). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this \_\_\_\_ day of May, 2020:

ORDERED, ADJUDGED AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above actions and has personal jurisdiction over the parties.
2. As used in this Consent Judgment, (i) the term “Wockhardt Products” shall mean the drug products sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 205957 and Abbreviated New Drug Application No. 210210 (and defined

in greater detail in the Settlement Agreements); (ii) the term “Licensed Patent” shall mean United States Patent Number 7,326,708; and (iii) the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Wockhardt; for purposes of this definition, “control” means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Unless otherwise specifically authorized pursuant to the Settlement Agreements, Wockhardt, including any of its Affiliates, successors and assigns, is enjoined from infringing the Licensed Patent, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the Wockhardt Products.

4. Compliance with this Consent Judgment may be enforced by Merck and its successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

5. This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

6. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements or attorneys’ fees to any party.

---

Richard G. Andrews, U.S.D.J.

We hereby consent to the form and entry of this Order:

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

Michael P. Kelly (#2295)  
Daniel M. Silver (#4758)  
Alexandra M. Joyce (#6423)  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, Delaware 19801  
(302) 984-6300  
mkelly@mccarter.com  
dsilver@mccarter.com  
ajoyce@mccarter.com

Bruce R. Genderson  
Jessamyn S. Berniker  
Stanley E. Fisher  
Elise M. Baumgarten  
Alexander S. Zolan  
Shaun P. Mahaffy  
Anthony H. Sheh  
Jingyuan Luo  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
T: (202) 434-5000  
F: (202) 434-5029  
bgenderson@wc.com  
jberniker@wc.com  
sfisher@wc.com  
ebaumgarten@wc.com  
azolan@wc.com  
smahaffy@wc.com  
asheh@wc.com  
jluo@wc.com

*Attorneys for Merck Sharp & Dohme Corp.*

RICHARDS, LAYTON & FINGER, PA

/s/ Renée M. Delcollo

Kelly E. Farnan (#4395)  
Renée M. Delcollo (#6442)  
One Rodney Square  
Suite 600  
920 N. King Street  
Wilmington, DE 19801  
(302) 651-7700  
farnan@rlf.com  
delcollo@rlf.com

David H. Silverstein  
AXINN, VELTROP & HARKRIDER LLP  
114 West 47th Street  
22<sup>nd</sup> Floor  
New York, NY 10036  
(212) 728-2200  
dsilverstein@axinn.com

Aziz Burgy  
Christopher M. Gallo  
AXINN, VELTROP & HARKRIDER LLP  
950 F Street, NW  
7<sup>th</sup> Floor  
Washington, DC 20004  
(202) 912-4700  
aburgy@axinn.com  
cgallo@axinn.com

*Attorneys for Wockhardt Bio AG and  
Wockhardt USA LLC*